



# Lamoine Board of Selectmen

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## Minutes - January 12, 2017

Chair Gary McFarland called the meeting to order at 7:00 PM.

Present were: Selectmen Nathan Mason, S. Josephine Cooper, Gary McFarland, Robert Christie, Kathleen Rybarz; Administrative Assistant Stu Marckoon, Parks Commissioners Marguerite Andros, Georgianna Pulver, Jeff Cosulich, Conservation Commissioners Larry Libby, Anne Labossiere, Larissa Thomas & husband Brian, Aaron Dority of Frenchman Bay Conservancy, Assessor Terry Towne, and Gerald & Iris Simon.

**Agenda Review** – There were no changes to the printed agenda or addendum.

**Minutes – December 15, 2016** – Kathleen moved to approve the minutes as presented. Bob 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Expenditure Warrant 12** – The Selectmen individual signed the warrant in the amount of \$158,010.37 on December 29, 2016. There were no questions regarding the warrant.

**Expenditure Warrant 13** – Selectmen signed the warrant in the amount of \$89,521.48. Stu reported the larger expenditures included the school payroll and accounts payable, salt purchases, and dues to Maine Municipal Association.

**Cash & Budget Report** – Selectmen remarked that approximately 53% of the year has passed and the total budget expenditures for the year stand at approximately 53%. (Stu credited “dumb luck”).

**Checking Account Reconciliation** – The various documents associated with the reconciliation had been e-mailed prior to the meeting. Selectmen signed the form expressing satisfaction with the review of the account reconciliation.

**Stale Checks** – Nathan moved to approve an order to apply two stale checks to the appropriate accounts. Kathleen 2<sup>nd</sup>. **Vote in favor was 5-0, Selectmen signed the order.**

**Excise Tax Report** – Stu reported 2016 was a very good year for excise collections, and the past couple of weeks were strong as well.

**Liens/Foreclosure Notices** – Stu reported on two property tax liens for the 2014/15 tax year that are likely to automatically foreclose. He said one property owner wishes to forfeit the property, another may apply for an abatement.

**Audit** – Stu reported he has contacted the auditor and as of today, it is not yet ready.

**Marlboro Beach Acquisition** – Aaron Dority of Frenchman Bay Conservancy explained that the Norris Family has offered the land for a bargain price. He said it was Eleanor

Norris's desire to have the town own all of Marlboro Beach. He said the first step is to place the matter on the town meeting warrant, and then decide what to do for long term management. He said it's not a lot of acreage, and the desire is to keep the beach open to the public. He said Frenchman Bay Conservancy (FBC) would purchase the land from the family and in turn deed it to the town. He said FBC would want to monitor the acquired property annually if there are any easements or covenants placed on the deed. He said he was here to answer questions, and he passed out copies of an aerial view of the property as seen on Google Earth.

Jo asked about a wording for the town meeting article. Mr. Dority said there are a few different lanes on the beach, and he would like to encourage the board to think about traffic patterns. He said there are concerns about vegetation and vehicle use. He said the beach is often under water at high tide. He said it would make sense to enforce some vehicle restrictions, but the Board doesn't need to decide that today.

Gary said the beach is a working waterfront area. Jo said it's great to have the opportunity for the town to own the beach. She said it could have gone in a different direction. She said she thinks all the Selectmen have indicated that town ownership is a great idea.

Nathan asked what would be required to manage the beach, and why FBC is being offered the land. Mr. Dority said his role is as a match maker. Jo said FBC is raising money to purchase the parcel. There was a discussion about potential tax breaks for the donors.

Terry Towne said he approached FBC to help with fund raising instead of using tax dollars to buy the beach. He said FBC is better suited to handle donations. Nathan asked if it would have strings attached. Bob asked what kind of restrictions FBC might be interested in imposing.

Mr. Dority said it's not a complicated purchase, and it doesn't have to be. He said FBC has a committee that has looked at the property, and the only thing they've discussed is placing a conservation easement on the parcel. He gave an example of a conservation easement for things like foot traffic only, and what sale options might exist afterward. Gary asked if they could leave the beach "as is". A lengthy discussion followed regarding possible easements.

Bob said much of the beach is covered at high tide, and it could possibly all be under water anyway in 25-years. He said FBC would be collecting private donations, and possibly some town money if they fall short. He noted that donations don't have to come from Lamoine citizens. A lengthy discussion followed regarding what restrictions donors might attempt to place on the land. Mr. Dority said things need to be as transparent as possible. He said it typically takes a while to come to an agreement with a landowner.

Conservation Commission Chair Larry Libby asked if the status quo is really an option and if the Norris Family needs to sell the property. Gary said it's something the family wants to do, and when he spoke with representatives a few years ago, no restrictions were suggested. Mr. Libby said it seems like a reasonable option to keep things the

same at the beach. He suggested meeting with Jim Norris. Terry Towne said Peter Norris is the estate representative. A brief discussion followed on how the lot came to be offered. Conservation Commission member Larissa Thomas said the sea level is rising and the town should try to prolong the beach's life by minimizing erosion over time.

Stu asked if there was any warrant article language. Mr. Dority handed out some example. A discussion followed on placing the acquisition on the March 2017 town meeting warrant. *Jo moved to place the proposal on the March 8, 2017 open town meeting warrant to agree to the acquisition of Marlboro Beach from the Norris family and to use the assistance of Frenchman Bay Conservancy to facilitate that.* Discussion followed on what restrictions might be ordered on the land.

Bob said the FBC is looking for input from the Town. Nathan noted that once the FBC is approved, the town is locked into any conditions it might place on the land. Mr. Dority said the town is not locked into anything. It could opt not to buy the property, there is no obligation. He said FBC is merely a matchmaker. Mr. Towne said if the warrant article is transparent, he might be one of the fundraisers for the purchase. He said if there are restricted donations, it might not go the way as planned. He said the FBC can say "no" to a donor. Mr. Dority said an annual inspection would be required if any sort of easement were placed on the sale to preserve the property in perpetuity. He said there are pros and cons to that.

Kathleen 2<sup>nd</sup> the motion from Jo. **Vote in favor was 3-0 (Mason, McFarland opposed).**

Discussion followed in regard to restricted use of funds. Maggie Andros asked if she understood correctly that FBC would purchase the property from the Norris family and then donate it to the town. Mr. Dority said that was his understanding.

**Town Meeting – Public Hearing Date – Recreational Marijuana** – It was proposed to set February 16, 2017 as the public hearing on the referendum question regarding the regulation of sales of recreational marijuana, and where to hold such a hearing. Jo moved to have it at the town hall at the start of the regular Selectmen's meeting, and to have the school as a backup if needed. Bob 2<sup>nd</sup>. **Vote in favor was 5-0, Selectmen signed the public hearing order.**

Selectmen signed an order to the Town Clerk to place the question on the March 7, 2017 ballot.

Selectmen signed the proposed Marijuana Sales ordinance and an ordinance to amend the Conservation Commission Ordinance for the annual town meeting. The Board agreed to wait until the Planning Board holds its public hearing on amendments to the Building and Land Use Ordinance before signing that.

Citizen of the Year – Stu passed a name around on paper. There was no disagreement with the choice.

**Resignation** – Jo moved to accept with understanding and regret the resignation of Charles “Butch” Swanberg as an alternate on the Recreation Committee. Nathan 2<sup>nd</sup>. **Vote in favor was 5-0, Selectmen signed a letter to Mr. Swanberg.**

**PERC – Buyout** – No communication had come from PERC, though there were some documents from the MRC in regard to ownership.

**Marlboro Mist II Complaint** – Code Enforcement Officer Rick Gallegos said he’d finally heard back from the town attorney on the matter. He said the communication suggests consent agreements with the two property owners in question. Nathan moved to have Stu draft up the letters, as well as a letter to SARJOY, which formerly owned the property in question. Jo 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Gravel Ordinance Violations** – Mr. Gallegos reported that he was waiting to hear back from two gravel pit owners regarding violation notices that he has sent out. He noted that one has applied for a driveway permit to improve an existing road running through the pit. He said such a permit is not required.

**Road Opening Permit** – Stu reported that he, acting as road commissioner, has denied a road opening permit on Shore Road because the proposed driveway only has a 20-foot easement and the minimum setback from property lines is 15-feet, which would be impossible to meet.

**Vacation Request** – Stu requested to take vacation from March 25 through April 2, 2017. There was no objection.

**Town Report** – Kathleen moved to retain Xpress Copy for printing the town report after Stu reported the price would remain about the same. Bob 2<sup>nd</sup>. **Vote in favor was 5-0.**

Stu presented a cover picture for the town report which is a shot of lupines along Shore Road. There was no objection.

**Traffic Light** – Stu reported that a wind storm on December 30<sup>th</sup> caused one of the lights at Route 3 and 204 to twist 90-degrees, breaking off some bolts. He said he hired Harald Huebner Tree Service to use their bucket truck and get the light pointed the right way. He said he has called Lane Construction to try to make a permanent arrangement to fix it.

**Next Meetings** – The Board will hold its next regular meetings on January 26, February 9 and 16; Town Meeting is March 7 & 8, with the organizational meeting on March 9<sup>th</sup>.

There being no further business, the meeting adjourned at 8:32 PM

Respectfully submitted,

Stuart Marckoon, Adm. Asst. to the Selectmen